

SENATE BILL 2751
By Miller

AN ACT to designate a Division of the General Sessions Court of Bradley County as the Environmental Court and to establish certain powers for that court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is local in effect and requires the approval of a two-thirds (2/3) vote of the county legislative body, and shall take effect as provided in Section 7.

SECTION 2. The legislative body of Bradley County may designate a division of the county's general sessions court as the Environmental Court.

SECTION 3. In making such designation, the judge of the Environmental Court is granted the additional power to issue injunctions, both mandatory and prohibitory, as provided in Rule 65 of the Tennessee Rules of Civil Procedure. The judge may order any defendant found guilty of violating any county ordinance relating to health, housing, fire, land subdivision, building or zoning, to correct such violation at the defendant's own expense. In a case involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge may appoint a master to aid the court. Rule 53 of the Tennessee Rules of Civil Procedure shall govern the appointment, power, and duty of the master.

SECTION 4. The judge of the Environmental Court shall also have the jurisdiction to try and dispose of violations of ordinances enacted by municipalities within Bradley County relating to health, housing, fire, land subdivision, building or zoning.

SECTION 5. The judge may also punish any person for contempt who, having been ordered to correct a violation of any county or municipal ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by such court order. The punishment for contempt in

each such case is limited to a monetary penalty not more than fifty dollars (\$50.00) and imprisonment not exceeding ten (10) days for each such violation.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect September 1, 2006, the public welfare requiring it.